

**APPENDIX****Sent to Governor**

(February 23, 1977)

**S.B. 250****S.C.R. 10****TWENTY-FIFTH DAY**

(Thursday, February 24, 1977)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Snelson, Traeger, Truan, Williams.

Absent-excused: Clower, Sherman.

A quorum was announced present.

The Reverend Jack W. Langford, Episcopal Church of the Resurrection, Austin, Texas, offered the invocation as follows:

O God, the fountain of wisdom, whose statutes are good, gracious and whose law is truth. Guide and bless we beseech Thee this Senate now in session; prosper all their consultations to the advancement of Thy glory, the safety and welfare of Your people; grant unto them that they may help lay the best of foundations that our people may give respect to all of their considered judgments; and that peace and happiness may prevail; that our State may have an ordered and settled way of living by their endeavors.

As they seek not their own ends, but Your honor and glory, Oh Father, enlighten them to understand that thereby they will care for the people of the State with their myriad needs, their undiscerned desires. We seek, O Lord, Most High, Thou who hast created and still creates men's hearts anew each day, the pouring out of Your healthful Spirit upon these Senators, and that they may truly please Thee, strengthen them with the continual dew of Your blessings; through Your most blessed word taking every firmer root in their lives; we ask it in Your most wonderful name, Oh Artificer of the Universe. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**LEAVES OF ABSENCE**

Senator Clower was granted leave of absence for today on account of important business on motion of Senator Mauzy.

Senator Sherman was granted leave of absence for today on account of important business on motion of Senator Snelson.

**REPORTS OF STANDING COMMITTEES**

Senator Snelson submitted the following report for the Committee on Intergovernmental Relations:

**S.B. 56**  
**S.B. 137**  
**S.B. 476**  
**S.B. 552** (Amended)  
**C.S.S.B. 453** (Read first time)

Senator Sherman submitted the following report for the Committee on Natural Resources:

**S.B. 106**  
**H.B. 292**  
**H.B. 388**  
**S.B. 415**

Senator Moore submitted the following report for the Committee on State Affairs:

**S.B. 325**  
**S.B. 411** (Amended)  
**S.B. 613**

Senator Aikin submitted the following report for the Committee on Finance:

**S.B. 426**  
**S.B. 659**  
**C.S.S.B. 572** (Read first time)

**SENATE BILLS AND RESOLUTION ON FIRST READING**

The following bills and resolution were introduced, read first time and referred to the Committee indicated:

**S.B. 708** by Brooks, Jones of Harris, Williams Education  
Relating to changing the name of the Center for Human Resources at the University of Houston to the Institute of Labor and Industrial Relations and defining the objectives of the institute; amending Chapter 111, Texas Education Code, as amended, by adding Subchapter D-1.

**S.B. 709** by Aikin Education  
Relating to state appropriations for public junior colleges; amending Subsections (a) and (c), Section 130.003, Texas Education Code, and adding Subsections (f)-(i).

**S.B. 710 by Mauzy**

## Jurisprudence

Relating to the examination of hospital records concerning personal injuries by parties to suits based on those personal injuries; amending Section 4a, Chapter 85, Acts of the 43rd Legislature, Regular Session, 1933, as amended (Article 5506a, Vernon's Texas Civil Statutes).

**S.B. 711 by Schwartz, Mauzy**

## Jurisprudence

Relating to an individual's access to personally identifiable information maintained by a state agency; excepting certain medical information; providing procedures and standards for challenging and changing personally identifiable information maintained by a state agency; placing responsibility on state agencies to prevent unauthorized access to information; providing procedures for recording disseminations of personally identifiable information by a state agency; prohibiting waiver of the protection of this Act; providing remedies; and declaring an emergency.

**S.B. 712 by Harris**

## Natural Resources

Relating to the annexation, operation, and financing of certain separately defined areas of the Irving Flood Control District of Dallas County, Texas; amending Chapter 135, Acts of the 62nd Legislature, Regular Session, 1971 (Article 8280-477, Vernon's Texas Civil Statutes), by adding Section 26.

**S.B. 713 by Adams**

## Intergovernmental Relations

Relating to the election of the directors of Sabine County Hospital District; amending Subsection (f), Section 5, Chapter 565, Acts of the 64th Legislature, Regular Session, 1975.

**S.B. 714 by Meier**

## Economic Development

Providing a right to appeal a decision of any board of equalization to a district court; providing for a trial by jury; providing a remedy for taxable value found to be erroneous; and amending Chapter 10 of Title 122 of Vernon's Revised Civil Statutes of Texas.

**S.B. 715 by Ogg**

## State Affairs

Relating to use of paper ballots in an election conducted by voting machines where a machine becomes out of order on election day; amending Section 79; Texas Election Code (Article 7.14, Vernon's Texas Election Code), by adding Section 17a.

**S.B. 716 by Farabee**

## Jurisprudence

Relating to workmen's compensation benefits when other injuries or their effects have contributed to the claimant's incapacity or loss of use; amending Section 12c and 12c-1 and adding a new Section 12c-1a of Article 8306, Revised Civil Statutes of Texas, 1925, as amended, and declaring an emergency.

**S.B. 717 by Longoria**

## Education

Relating to rehabilitation districts; amending Sections 26.01(1), 26.31, 26.64 and 26.65, Texas Education Code, repealing Sections 26.01(3) and 26.01(8), Texas Education Code, adding Section 26.73, Texas Education Code, providing for accreditation; and declaring an emergency.

**S.B. 718 by Parker**

## Intergovernmental Relations

Relating to membership, compensation, and authority of the Liberty County Juvenile Board; amending Chapter 209, Acts of the 56th Legislature, Regular Session, 1959 (Article 5139BB, Vernon's Texas Civil Statutes).

**S.B. 719** by Moore State Affairs  
Relating to the authority of the State Treasurer to employ security officers and commission peace officers; amending Article 4375, Revised Civil Statutes of Texas, 1925; amending Article 2.12, Code of Criminal Procedure, 1965, as amended.

**S.B. 720** by Sherman Economic Development  
Relating to operation of a commercial motor vehicle or truck tractor by a person other than the owner or his agent; amending Sections 3 and 4, Chapter 209, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 6701c-1, Vernon's Texas Civil Statutes).

**S.B. 721** by Ogg Finance  
Exempting from the Limited Sales Tax the receipts from the sale of tangible personal property to be used in solar energy systems, amending Article 20.04, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended by adding Section (AA); and declaring an emergency.

**S.B. 723** by Mengden Human Resources  
Authorizing the State Board of Public Welfare to promulgate rules and regulations governing state assistance grants and medical programs for needy individuals without regard to the availability of federal matching funds or federal guidelines.

**S.J.R. 46** by Mengden Human Resources  
Proposing an amendment to Article III, Section 51-a, of the Texas Constitution to delete the requirement that state funds for assistance grants and medical care for needy individuals and families be matched with federal funds.

### HOUSE BILLS ON FIRST READING

The following bills received from the House, were read the first time and referred to the Committee indicated:

- H.B. 452**, To Committee on Jurisprudence.
- H.B. 876**, To Committee on Intergovernmental Relations.
- H.B. 812**, To Committee on Jurisprudence.
- H.B. 789**, To Committee on Education.
- H.B. 1**, To Committee on Economic Development.
- H.B. 8**, To Committee on Natural Resources.
- H.B. 16**, To Committee on Natural Resources.
- H.B. 97**, To Committee on Jurisprudence.
- H.B. 337**, To Committee on Education.

### MESSAGE FROM THE HOUSE

House Chamber  
February 24, 1977

Honorable William P. Hobby  
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

**H.B. 125**, A bill to be entitled An Act relating to fishing licenses for nonresidents and aliens; amending Section 46.004 and Subsection (a) of Section 46.007 of, and adding Sections 46.0011 and 46.0051 to, Chapter 46, Parks and Wildlife Code.

Respectfully submitted,  
**BETTY MURRAY**, Chief Clerk  
House of Representatives

### EXECUTIVE SESSION

The President announced that the time had arrived for an Executive Session of the Senate. (Senator McKnight having given Notice on yesterday.)

Senator Mauzy moved that Senate Rule 41 be suspended in order to consider nominations scheduled for today in open session.

The motion was lost by the following vote: Yeas 11, Nays 18.

Yeas: Aikin, Braecklein, Doggett, Jones of Harris, Longoria, Mauzy, Ogg, Parker, Patman, Schwartz, Truan.

Nays: Adams, Andujar, Brooks, Creighton, Farabee, Hance, Harris, Jones of Taylor, Kothmann, Lombardino, McKnight, Meier, Mengden, Moore, Santiesteban, Snelson, Traeger, Williams.

Absent-excused: Clower, Sherman.

Accordingly, the President at 11:03 o'clock a.m. directed all those not entitled to attend the Executive Session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the Executive Session, the President called the Senate to order as In Legislative Session at 11:29 o'clock a.m. today.

The President asked if there were requests to sever nominees.

Senator Doggett requested the severance of Mrs. Jane Blumberg, Mr. Jess Hay and Dr. Sterling H. Fly, Jr. to be Members of the Board of Regents of The University of Texas System.

The request to sever was granted.

Senator McKnight moved confirmation of those nominees not severed and reported by the Committee on State Affairs, Sub-Committee on Nominations and considered in Executive Session.

The following nominees were then confirmed by the following vote: Yeas 28, Nays 0.

Absent: Snelson.

Absent-excused: Clower, Sherman.

**NOMINEES CONFIRMED**

To be Chairman and Member of TEXAS EMPLOYMENT COMMISSION: Nolan F. Ward, Travis County.

To be ADJUTANT GENERAL OF TEXAS: General Thomas S. Bishop, Travis County (reappointment).

To be ASSISTANT ADJUTANT GENERAL FOR AIR: General Belisario D. J. Flores, Travis County (reappointment).

To be ASSISTANT ADJUTANT GENERAL FOR ARMY: General Willie Scott, Travis County (reappointment).

To be Members of the TEXAS COLLEGE AND UNIVERSITY SYSTEM COORDINATING BOARD: L. F. Peterson, Tarrant County; John W. Fainter, Jr., Fort Bend County; Harry M. Provence, McLennan County (reappointment); Ralph Spence, Smith County; Sam D. Young, Jr., El Paso County (reappointment); Robert Paul Teague, Sr., Galveston County (reappointment).

To be Members of TEXAS BOARD OF ARCHITECTURAL EXAMINERS: James R. Rucker, Wichita County; Douglas Emmett Steiman, Jr., Jefferson County.

To be COMMISSIONER of the CANADIAN RIVER COMPACT: Arthur P. Duggan, Jr., Lamb County.

To be Members of the STATE BOARD OF CHIROPRACTIC EXAMINERS: Dr. S. M. Elliot, Liberty County; Dr. Clifford E. Nearpass, Jr., Dallas County; Dr. John Paul Johnston, Harris County.

To be Members of the Board of Directors, COASTAL INDUSTRIAL WATER AUTHORITY: James D. Dannenbaum, Harris County (reappointment); Johnnie Glen Jennings, Harris County (reappointment); Buster E. French, Liberty County (reappointment 2 terms—11/21/75-5/31/76 and 4/08/76-3/31/78).

To be a Member of the TEXAS BOARD OF PHYSICAL THERAPY EXAMINERS: Dr. Nathan Hale Pepper, Galveston County.

To be Members of the TEXAS STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS: Dr. James Ray Hays, Harris County (reappointment); Dr. George H. Kramer, Jr., Nueces County (reappointment).

To be Members of the RIO GRANDE VALLEY MUNICIPAL WATER AUTHORITY: Dr. Charles F. Calderoni, Cameron County (reappointment); William F. Powell, Hidalgo County (reappointment); Omar Rodriguez, Cameron County (reappointment); Paul G. Veale, Sr., Hidalgo County (reappointment); Nathan L. Winters, Hidalgo County (reappointment); Richard Gutierrez, Starr County (reappointment); The Honorable William Rapp, Willacy County (reappointment).

To be Members of the Board of Directors, RIO GRANDE VALLEY POLLUTION CONTROL AUTHORITY: Justo L. Cisneros, Cameron County

(reappointment); Jim Mathis, Hidalgo County (reappointment); Earl Van Mitchell, Hidalgo County; Richard C. Roland, Cameron County (reappointment); Garland F. Smith, Hidalgo County (reappointment).

To be a Member of the STATE BOARD OF TUBERCULOSIS NURSE EXAMINERS: Miss Kathryn Fortenberry, Wise County (2 terms—6/20/75-3/12/76 and 3/13/76-3/12/82).

To be Members of the TEXAS STATE BOARD OF PUBLIC ACCOUNTANCY: Don M. Lyda, Travis County; Charlie S. Williams, Lubbock County; A. Burke Haymes, Harris County.

To be Members of the TEXAS STATE BOARD OF LANDSCAPE ARCHITECTS: George H. Hall, Sr., Dallas County (reappointment); James E. Keeter, Bexar County.

To be a Member of the TEXAS COASTAL AND MARINE COUNCIL: Robert L. Massey, Victoria County.

To be Members of the STATE COMMISSION FOR THE DEAF: Gerry Gammage, Travis County; N. S. Draughon, Jr., Bell County.

To be Members of the STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS: Robert E. Layton, Smith County; Fred J. Benson, Brazos County; Robert Lockhart Reid, Harris County (reappointment).

To be Members of the STATE BOARD OF DENTAL EXAMINERS: Dr. Randolph David Minatra, Harris County; Dr. Sam H. Rabon, Kleberg County (reappointment).

To be Members of the GULF COAST WASTE DISPOSAL AUTHORITY: Dr. William Thomas Arnold, Harris County (reappointment); David Barkley Jenkins, Chambers County (reappointment 2 terms—1/12/76-8/31/76 and 9/02/76-8/31/78); Dr. Frank Lamont Jennings, Galveston County (reappointment).

To be Members of the TEXAS JUDICIAL COUNCIL: W. St. John Garwood, Travis County (reappointment); Dr. Abner V. McCall, McLennan County (reappointment); Hugh M. Patterson, Harris County (reappointment).

To be Members of the POLYGRAPH EXAMINERS BOARD: William W. Fisher, Harris County; Hyden A. Albert, Travis County (reappointment); Gene R. Danish, Bexar County (reappointment).

To be Members of the TEXAS STATE BOARD OF EXAMINERS IN SOCIAL PSYCHOTHERAPY: William S. Taegel, Harris County; William Gilliam Hill, Travis County; Douglas Barron Radabaugh, Harris County; Warren Terry Townsend, Jr., Bell County; Fred Gene Hill, Potter County.

To be Members of the Board of Directors, RUNNELS COUNTY WATER AUTHORITY: Ray Alderman, Runnels County; Arnold Frerich, Runnels County; James L. Mueller, Runnels County; Barney C. Puckett, Runnels County; George A. Ruppert, Runnels County; Ernest E. Thormeyer, Runnels County; Gene Yocham, Runnels County.

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To be a Member of the STATE SECURITIES BOARD: Wilburn Gene Goodnight, Bell County.

To be Members of the STATE BOARD OF REGISTRATION FOR PUBLIC SURVEYORS: Robert L. Hall, Jr., Chambers County (reappointment); James M. Clements, Grimes County.

To be Members of the STATE BOARD OF VETERINARY MEDICAL EXAMINERS: Dr. James Gandy, Brown County; Dr. Frank E. Mann, Jr., Wharton County; Dr. Charles W. Edwards, Presidio County.

To be Members of the TEXAS WATER WELL DRILLERS BOARD: Frank Grimes, Dallas County; Cecil F. Gill, El Paso County (reappointment).

Mrs. Jane Blumberg was confirmed to be a Member of the Board of Regents of The University of Texas System by the following vote: Yeas 26, Nays 3.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Moore, Ogg, Parker, Patman, Santiesteban, Snelson, Traeger, Truan, Williams.

Nays: Doggett, Mengden, Schwartz.

Absent-excused: Clower, Sherman.

Dr. Sterling H. Fly, Jr. was confirmed to be a Member of the Board of Regents of The University of Texas System by the following vote: Yeas 28, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Snelson, Traeger, Truan, Williams.

Nays: Doggett.

Absent-excused: Clower, Sherman.

Senator Schwartz then moved to postpone for one week consideration of Mr. Jess Hay to be a Member of the Board of Regents of The University of Texas System.

The motion was lost by the following vote: Yeas 6, Nays 23.

Yeas: Doggett, Longoria, Mengden, Parker, Schwartz, Truan.

Nays: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Mauzy, McKnight, Meier, Moore, Ogg, Patman, Santiesteban, Snelson, Traeger, Williams.

Absent-excused: Clower, Sherman.

Mr. Jess Hay was confirmed to be a Member of the Board of Regents of The University of Texas System by the following vote: Yeas 23, Nays 5, Present-Not Voting 1.



Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Farabee, Hance, Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Moore, Ogg, Patman, Santiesteban, Snelson, Traeger, Williams.

Nays: Doggett, Jones of Harris, Mengden, Schwartz, Truan.

Present-Not Voting: Parker.

Absent-excused: Clower, Sherman.

#### **HOUSE CONCURRENT RESOLUTION 55 ON SECOND READING**

On motion of Senator McKnight and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time:

**H.C.R. 55**, Inviting President Carter to address joint session of Texas House of Representatives and Senate to discuss his energy proposals.

The resolution was read second time and was adopted.

#### **MOTION TO PLACE SENATE JOINT RESOLUTION 40 ON SECOND READING**

Senator Moore asked unanimous consent to suspend the regular order of business and Section 5 of Article III of the State Constitution to take up for consideration at this time:

**S.J.R. 40**, Proposing an amendment to Article VIII of the Texas Constitution to add Section 1-f requiring the state to finance current maintenance and operating expenses of public elementary and secondary schools with state taxes and prohibiting public school districts from levying ad valorem taxes on property for that purpose.

There was objection.

Senator Moore then moved to suspend the regular order of business and Section 5 of Article III of the State Constitution and take up **S.J.R. 40** for consideration at this time.

The motion was lost by the following vote: Yeas 12, Nays 17.

Yeas: Adams, Braecklein, Creighton, Doggett, Harris, Jones of Harris, Lombardino, McKnight, Meier, Mengden, Moore, Traeger.

Nays: Aikin, Andujar, Brooks, Farabee, Hance, Jones of Taylor, Kothmann, Longoria, Mauzy, Ogg, Parker, Patman, Santiesteban, Schwartz, Snelson, Truan, Williams.

Absent-excused: Clower, Sherman.

#### **MEMORIAL RESOLUTION**

**H.C.R. 45** (Kothmann): Memorial Resolution for former Representative G. Sutton.

**WELCOME AND CONGRATULATORY RESOLUTIONS**

**S.R. 257** - by Doggett: Extending welcome to Reverend Jack W. Langford.

**S.R. 258** - by Adams: Extending congratulations to Dr. Stephen B. Tucker.

**S.R. 259** - by Parker: Extending congratulations to Mr. and Mrs. George W. McCauley.

**ADJOURNMENT**

On motion of Senator Aikin the Senate at 12:13 o'clock p.m. adjourned until 10:30 o'clock a.m. Monday, February 28, 1977.

**TWENTY-SIXTH DAY**

(Monday, February 28, 1977)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris Jones of Harris, Jones of Taylor, Kothmann, Mauzy, McKnight, Meier, Mengden Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger Truan, Williams.

Absent-excused: Lombardino, Longoria.

A quorum was announced present.

The Reverend Andrew Byers, Retired Presbyterian Minister, Austin, Texas offered the invocation as follows:

"Except the Lord build the house, they labor in vain that build it."

Will you join with me in prayer?

Almighty God, our Father: Thou who art infinite, eternal and revealing i Thy wisdom and power—As a sparrow cannot fall to the ground without Thy notic —neither can the deliberations of this body pass by unnoticed by Thine overseein providence so we seek that Thy divine Spirit shall dictate what is done here this day

We have prayed privately for these people of such awesome responsibility, w now join them publicly in our display of faith and submission to Thee. W acknowledge our constant dependence on Thee and reaffirm our faith in Thee.

We dare to believe that democracy expressed in representative government : compatible with and is a part of the eternal Kingdom of God.

We rejoice that Christ's redemption and our repentance are for legislativ bodies as well as for the separate person. May these people be fed by Thy word a daily bread for the mind and proper food for the soul.